

Application No. 10/050,711
Response to Office Action dated October 27, 2003
Reply to Office Action of September 10, 2003

REMARKS

Claims 1-25 were pending in the application. Claim 1 is independent. Claims 6 and 7 have been cancelled, the recitations of which having been incorporated into Claim 1.

In addition to Claim 1, Claims 16, 17, 20, 21 and 23-25 have been amended.

As such, Claims 1-5 and 8-25 remain presented herein for examination.

Claims 1-25 have been rejected, though Claim 21 has been determined to be allowable if rewritten in independent form. Applicant is grateful of such determination and expressly reserves the right to do so.

Applicant traverses these rejections and respond as follows.

**Applicant's Response to
Section 112, ¶ 2 Rejections**

Claims 16-17 and 20-25 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, reasons for which are given at page 2 of the Action.

Applicant has amended Claims 16, 17, 20, 21 and 23-25 in a manner which overcomes these Section 112 rejections.

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Accordingly, Applicant submits the Section 112 rejections should no longer be mentioned.

**Applicant's Response to
Sections 102 and 103 Rejections**

Claims 1-5, 11-13, 15-17 and 19 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,444,725 (Trom); Claims 6, 10, 13, 14 and 18 stand rejected to under Section 102(e) as allegedly being anticipated by or in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Trom; Claims 1-5, 11-12, 15, 17 and 19 stand rejected under Section 102(b) as allegedly being anticipated by U.S. Patent No. 5,302,627 (Field); Claims 6, 8 and 9 stand rejected under Section 102(e) as allegedly being anticipated by or, in the alternative, under Section 103(a) as allegedly being obvious over Field; and Claims 20 and 22-25 stand rejected under Section 102(b) as allegedly being anticipated by U.S. Patent No. 5,606,171 (Neckers). Reasons for these rejections are found at pages 2-4 of the Action. Applicant traverses these rejections.

The invention as presently defined a (meth)acrylate composition comprising a (meth)acrylate component; and a dye substantially dissolved in said (meth)acrylate component which imparts a first color to said (meth)acrylate component, where upon curing, a resultant cured composition has a second color. The dye is selected from xanthene dyes, and optionally,

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anthraquinone dyes, where the xanthene dyes are chosen from fluorescein, dibromofluorescein, diiodofluorescein, tetrabromofluorescein, tetraiodofluorescein, tetrabromotetrachlorofluorescein, and combinations thereof.

Against this invention three separate U.S. patents have been cited under either Section 102(b), 102(e) or 103(a), Title 35 U.S.C.

Applicant discusses each of these U.S. patents in turn.

Field is defined by a method of indicating a cure point of an ultraviolet radiation curing composition. The steps of this method are adding a visible colored dye to a UV curable composition having a free radical photoinitiator and UV curable matrix. This composition when exposed to UV radiation loses its visible color by either disappearing or changing to a different color to indicate that the cure has occurred. The amount of the dye is less than 30 ppw of the composition and the dye is one of an anthroquinone dye having a Color Index Solvent Blue 104, 1-hydroxy-4-[(methylphenyl)amino]-9,10-anthracenedione, and an azo dye mixture of azo benzene azo naphthyl benzene amine alkyl/alkoxy derivatives having a Color Index Solvent Blue 99 and azo benzene azo naphthyl benzene amine alkyl derivatives having a Color Index Solvent Red 166.

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Neckers is defined by a method for monitoring a property of a polymeric mass. The steps of this method include adding a fluorescent compound capable of fluorescing to a polymeric composition, curing the composition, causing the compound to fluoresce, measuring the fluorescence of the compound, calculating the ratio of intensities of the fluorescence of the compound at two or more wave lengths, and relating the ratio to the monitored property of the composition, provided the monitored property is not double bond conversion.

Trom is directed to color changing dental compositions. More specifically, Trom is defined by an aesthetic dental sealant, which includes a hardenable resin, a hardener and a photo bleachable dye. The hardener is a sensitizing compound different from the dye and the dental sealant as an initial color prior to exposure to atinic radiation and a final color that is different from the initial color after the sealant is exposed to radiation. The photobleachable dye is selected from Rose Bengal, Methylene Violet, Methylene Blue, Fluorescein, Eosin Yellow, Eosin Y, Ethyl Eosin, Eosin bluish, Eosin B, Erythrosin B, Erythrosin Yellowish Blend, Toluidine Blue, 4',5'-Dibromofluorescein, and blends thereof.

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Thus, comparing the invention as presently defined by Claim 1 to the three cited documents of record, it is clear that not one of the cited documents of record discloses, teaches or suggests each of the recitations now set forth in Claim 1.

Absent such precise disclosure, the rejections based on Section 102 cannot stand. Accordingly, reconsideration and withdrawal of the Section 102 rejections are respectfully requested.

Moreover, not one of the cited documents of record provides incentive to modify the respective disclosures of these cited documents of record to reach the invention defined by Claim 1. As such, the Section 103 rejections could only have been made from a hindsight perspective. Of course, it is well settled that hindsight can find no place in the examination of an application for U.S. Letters Patent.

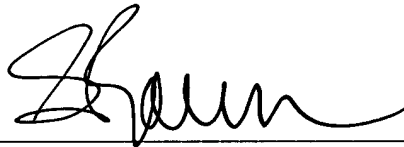
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CONCLUSION

In view of the above, favorable reconsideration and passage to issue of the subject application are respectfully requested.

Applicant's undersigned attorney may be reached by telephone at (860) 571-5001, by facsimile at (860) 571-5028, or by email at steve.bauman@loctite.com. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Bauman', written over a horizontal line.

Steven C. Bauman
Attorney for Applicant
Registration No. 33,832

HENKEL LOCTITE CORPORATION
Legal Department
1001 Trout Brook Crossing
Rocky Hill, Connecticut 06067

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